



Division of Criminal Justice Services

CERTIFICATION PURSUANT TO CPLR 4518 OF RECORDS MAINTAINED IN THE REGULAR COURSE OF BUSINESS

I, Joshua Vinehout, Supervisor of Public Safety Programs, Office of Public Safety, New York State Division of Criminal Justice Services, 80 South Swan Street, Albany, New York 12210, having been duly designated and authorized by the Commissioner of the Division of Criminal Justice Services, do hereby certify and authenticate, as provided by subdivision c of Rule 4518 of the Civil Practice Law and Rules, that the document annexed hereto is an exact copy of an electronic record of the Office of Public Safety which is in my possession, custody and control. This record, once created, is stored in an electronic format that cannot thereafter be altered or modified.

I further certify that the original electronic record of inspection/maintenance/calibration of NAT'L PATENT ANALYTICAL SYS, DATAMASTER DMT breath test instrument, serial number 117906, performed on November 17, 2021 by Office of Public Safety employee Jonathan Mascolo, of which the annexed is an exact copy, was made in the regular course of business of the New York State Division of Criminal Justice Services, Office of Public Safety, that such record was made at the time such inspection/ maintenance/calibration was performed or within a reasonable time thereafter, and further that it is the regular course of the Office of Public Safety's business to make such records at the time such inspection/maintenance /calibration is performed, or within a reasonable time thereafter, and to provide such instrument's records to the agency that requested them.

A handwritten signature in black ink that reads "Joshua Vinehout".

Digitally signed under
ESRA by Joshua Vinehout
on 11/29/2021 7:23 AM

Joshua Vinehout
Supervisor of Public Safety Programs
Office of Public Safety

An Equal Opportunity/Affirmative Action Agency

**BREATH TEST INSTRUMENT
RECORD OF INSPECTION / MAINTENANCE / CALIBRATION**

Name of Submitting Agency: Wayne County Sheriff's Office

Manufacturer: NAT'L PATENT ANALYTICAL SYS

Model: DATAMASTER DMT

Date: November 17, 2021

Serial Number: 117906

Reference Solution Lot Number: 21200

Reference Solution Standard: 0.10 % at 34.0 degrees centigrade

Test No	Test Result	Simulator Temperature
1	0.100 %	34.00 degrees centigrade
2	0.100 %	34.00 degrees centigrade
3	0.100 %	34.00 degrees centigrade
4	0.100 %	34.00 degrees centigrade

Reference Solution Lot Number: 21310

Reference Solution Standard: 0.08 % at 34.0 degrees centigrade

Test No	Test Result	Simulator Temperature
1	0.078 %	34.01 degrees centigrade
2	0.078 %	34.01 degrees centigrade
3	0.078 %	34.01 degrees centigrade
4	0.079 %	34.00 degrees centigrade

Reference Solution Lot Number: 21130

Reference Solution Standard: 0.180 % at 34.0 degrees centigrade

Test No	Test Result	Simulator Temperature
1	0.179 %	34.02 degrees centigrade
2	0.179 %	34.02 degrees centigrade
3	0.179 %	34.02 degrees centigrade
4	0.180 %	34.02 degrees centigrade

I hereby certify that I have performed any necessary maintenance procedures and calibrated NAT'L PATENT ANALYTICAL SYS breath test instrument model DATAMASTER DMT, serial number 117906, and have determined that it is accurate and reliable for the determination of ethyl alcohol in the blood by analysis of the breath. The instrument's test results are recorded above and this instrument satisfies all limits and standards established by the New York State Commissioner of Health as enumerated in Part 59, Subchapter D of Chapter II, TITLE 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, (10 NYCRR Part 59) as amended.

I further certify that I made the entries in these records of inspection/maintenance/calibration at the time that such inspection/maintenance/calibration of the above identified breath test instrument was performed, or within a reasonable time thereafter.

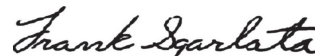
Performed by:



Digitally signed under
ESRA by Jonathan Mascolo
on 11/17/2021 3:29 PM

Jonathan Mascolo
Highway Safety Equipment Technician
Breath Analysis Operator Permit # 45339

Reviewed by:



Digitally signed under
ESRA by Frank Sgarlata
on 11/26/2021 11:08 AM

Frank Sgarlata
Breath Analysis Technical Supervisor

**BREATH TEST INSTRUMENT
RECORD OF INSPECTION / MAINTENANCE / CALIBRATION**

Name of Submitting Agency: Wayne County Sheriff's Office
Manufacturer: NAT'L PATENT ANALYTICAL SYS
Model: DATAMASTER DMT
Serial Number: 117906
Date: November 17, 2021

- 1. General Appearance and condition of this device -----: OK**

- 2. Check controls and indicators -----: OK**

- 3. Check breath flow system -----: OK**

- 4. Check printer operation -----: OK**

- 5. System cycles through all modes -----: OK**



6. Record any repairs made to this instrument and list services provided: INSPECTED INSTRUMENT, CHECKED SETUP VOLTAGES PRINT AND REMOTE OPERATION. PERFORMED CALIBRATION/ADJUSTMENT PROCEDURE, RAN SUBJECT, TECHNICIAN AND DIAGNOSTIC TESTS, VERIFIED CALIBRATION.

Performed by:

Digitally signed under
ESRA by Jonathan Mascolo
on 11/17/2021 3:29 PM

Jonathan Mascolo
Highway Safety Equipment Technician
Breath Analysis Operator Permit # 45339

Reviewed by:

Digitally signed under
ESRA by Frank Sgarlata
on 11/26/2021 11:08 AM

Frank Sgarlata
Breath Analysis Technical Supervisor

TECHNICIAN TEST

WAYNE CO.
SHERIFF'S OFFICE
DATAMASTER dmt: 117906

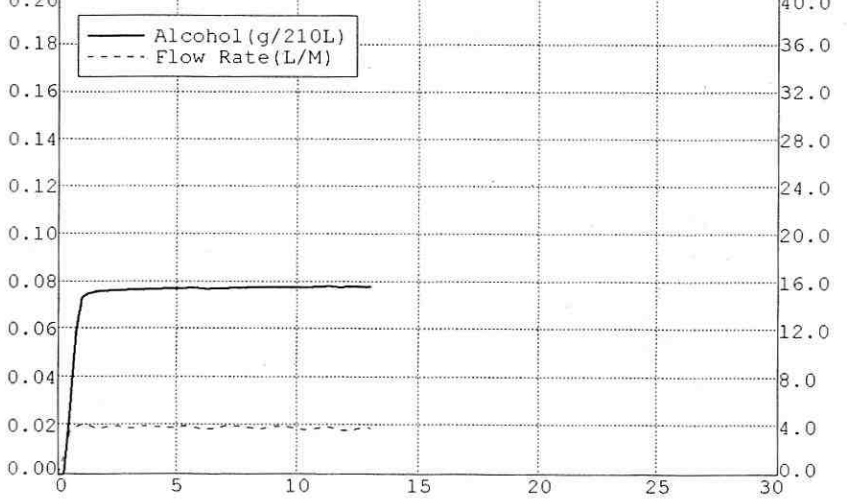
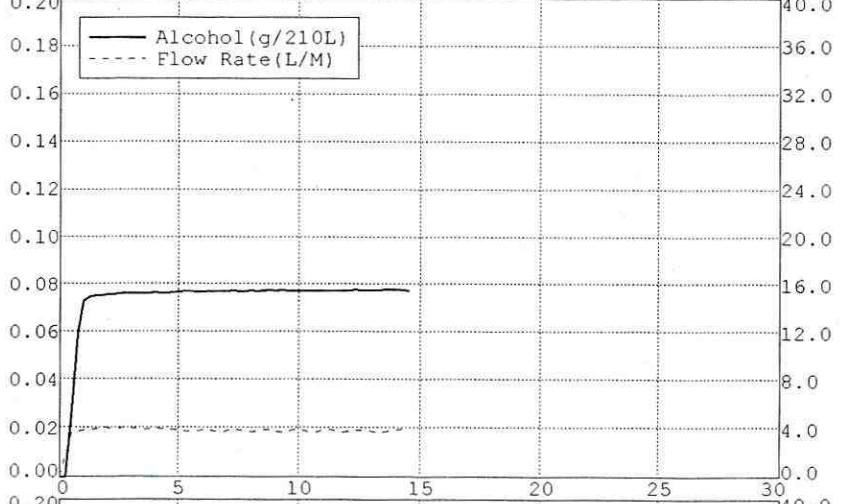
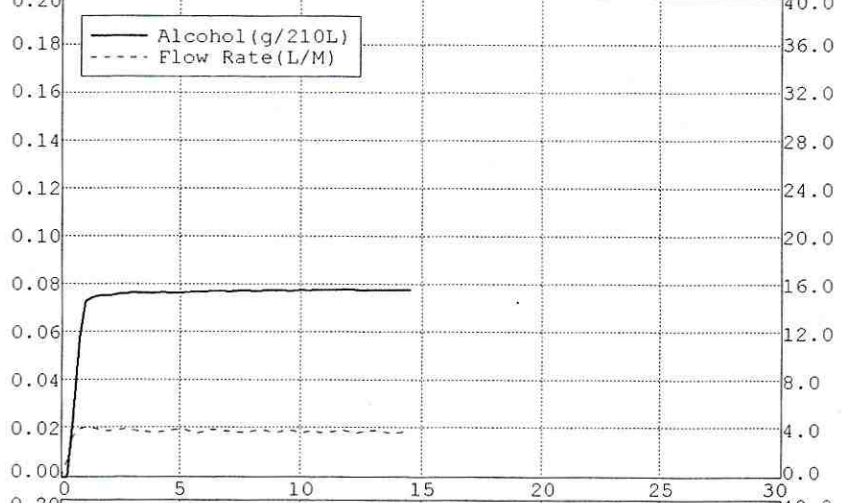
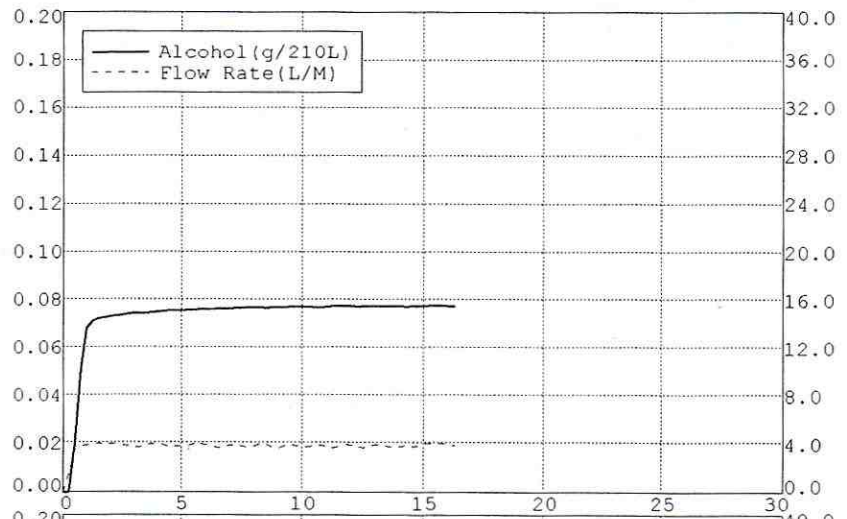
Date: 11/17/2021

OPERATOR NAME:
JONATHAN M MASCOLO
Permit #: 45339
Operator Agency/Dept: WAYNE CO. SO
Reference Standard #: 21310

Nominal = 0.080 g/210L

BLANK TEST	0.000	12:45
INTERNAL STANDARD	VERIFIED	12:45
REFERENCE STANDARD TEMP	34.01c	
REFERENCE STANDARD	0.078	12:46
BLANK TEST	0.000	12:47
REFERENCE STANDARD TEMP	34.01c	
REFERENCE STANDARD	0.078	12:47
BLANK TEST	0.000	12:48
REFERENCE STANDARD TEMP	34.01c	
REFERENCE STANDARD	0.078	12:48
BLANK TEST	0.000	12:49
REFERENCE STANDARD TEMP	34.00c	
REFERENCE STANDARD	0.079	12:50
BLANK TEST	0.000	12:50

Average = 0.0782
Std Dev = 0.0005



TECHNICIAN TEST

WAYNE CO.
SHERIFF'S OFFICE
DATAMASTER dmt: 117906

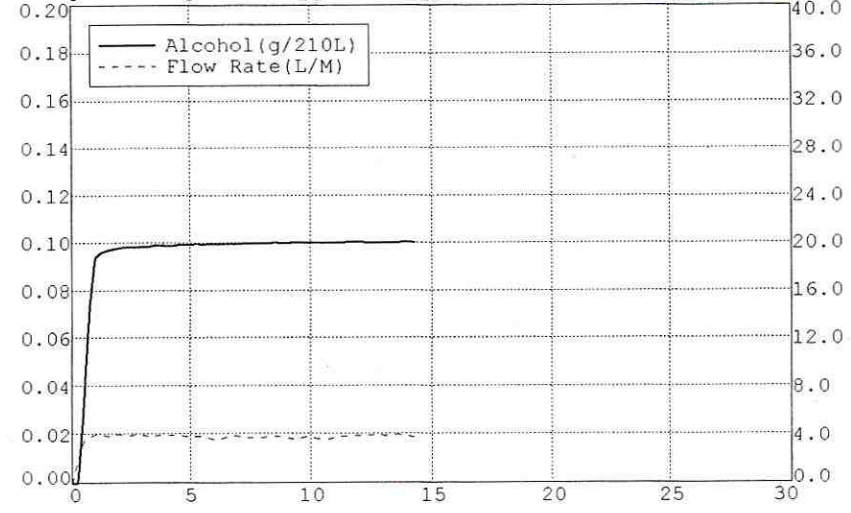
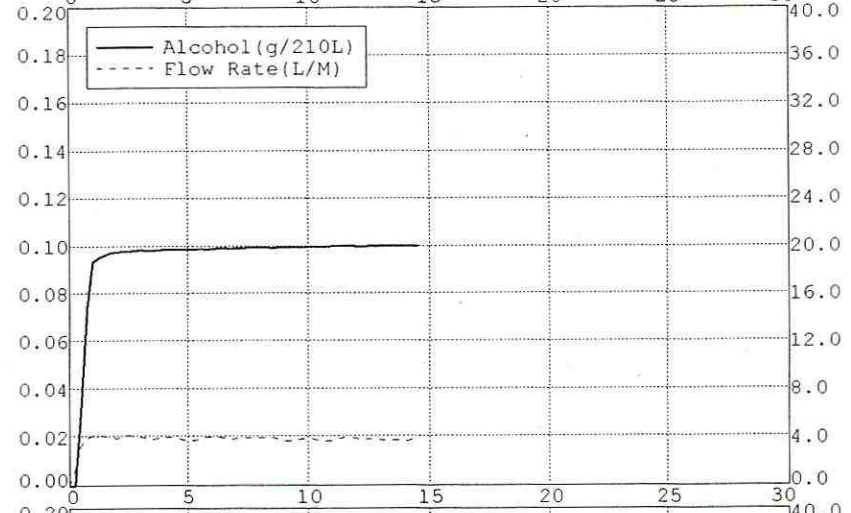
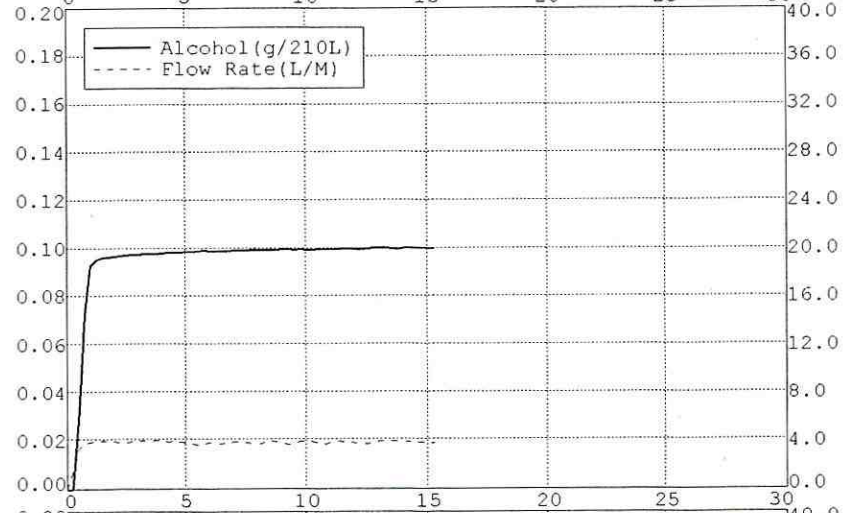
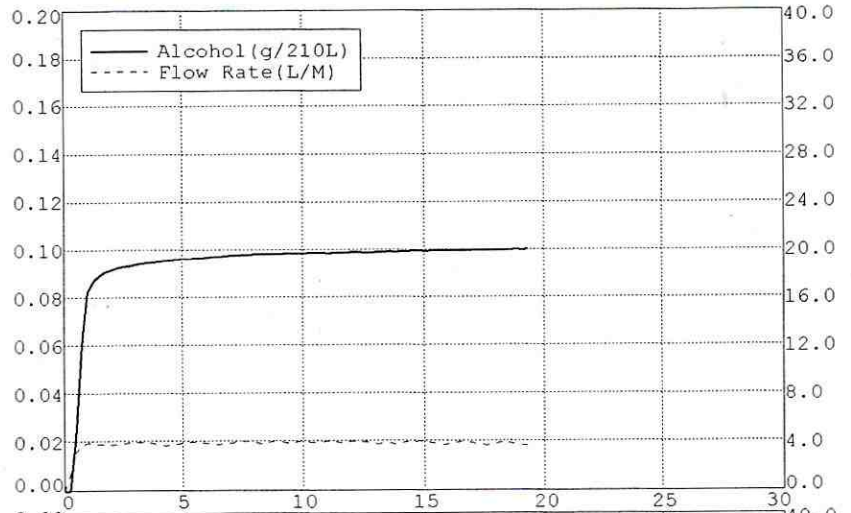
Date: 11/17/2021

OPERATOR NAME:
JONATHAN M MASCOLO
Permit #: 45339
Operator Agency/Dept: WAYNE CO. SO
Reference Standard #: 21200

Nominal = 0.100 g/210L

BLANK TEST	0.000	12:53
INTERNAL STANDARD	VERIFIED	12:53
REFERENCE STANDARD TEMP	34.00c	
REFERENCE STANDARD	0.100	12:53
BLANK TEST	0.000	12:54
REFERENCE STANDARD TEMP	34.00c	
REFERENCE STANDARD	0.100	12:54
BLANK TEST	0.000	12:55
REFERENCE STANDARD TEMP	34.00c	
REFERENCE STANDARD	0.100	12:56
BLANK TEST	0.000	12:57
REFERENCE STANDARD TEMP	34.00c	
REFERENCE STANDARD	0.100	12:57
BLANK TEST	0.000	12:58

Average = 0.1000
Std Dev = 0.0000



TECHNICIAN TEST

WAYNE CO.
 SHERIFF'S OFFICE
 DATAMASTER dmt: 117906

Date: 11/17/2021

OPERATOR NAME:
 JONATHAN M MASCOLO
 Permit #: 45339
 Operator Agency/Dept: WAYNE CO. SO
 Reference Standard #: 21130

Nominal = 0.180 g/210L

BLANK TEST	0.000	13:00
INTERNAL STANDARD	VERIFIED	13:00
REFERENCE STANDARD TEMP	34.02c	
REFERENCE STANDARD	0.179	13:01
BLANK TEST	0.000	13:02
REFERENCE STANDARD TEMP	34.02c	
REFERENCE STANDARD	0.179	13:02
BLANK TEST	0.000	13:03
REFERENCE STANDARD TEMP	34.02c	
REFERENCE STANDARD	0.179	13:03
BLANK TEST	0.000	13:04
REFERENCE STANDARD TEMP	34.02c	
REFERENCE STANDARD	0.180	13:05
BLANK TEST	0.000	13:06

Average = 0.1792
 Std Dev = 0.0005

